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MCC:MEM:all/2001V00743

**FILED
HARRISBURG**

JAN 16 2002

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIAMARY E. D'ANDREA, CLERK
Per MARY E. D'ANDREA
DEPUTY CLERK

JEROME SMITH,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1192
	:	(Judge Rambo)
FEDERAL BUREAU OF PRISONS, et al.	:	(Magistrate Judge Smyser)
Defendants	:	

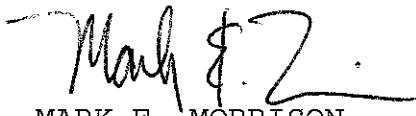
DEFENDANTS' MOTION TO DISMISS

Defendants ask the Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) for failure to exhaust administrative remedies. A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney



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Assistant U.S. Attorney

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Dated: January 16, 2002

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JEROME SMITH,	:	
Plaintiff	:	
v.	:	Civil No. 1:CV-01-1192
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on January 16, 2002, she served a copy of the attached

DEFENDANTS' MOTION TO DISMISS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jerome Smith
Reg. No. 19145-018
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752

Shelley W. Grant for
ANITA V. LIGHTNER
Paralegal Specialist